IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

Writ Petition No. 8241 of 2004

M/s Manav Sand & Mineral Corpn..Petitioner
vs
State of Mah and ors..Respondents

Mr Vinay J Hegde for petitioner
Mr. C.R.Sonawane AGP for State

CORAM:A.P.SHAH & S.C.DHARMADHIKARI JJ.

Dated 8.l0.2004

P.C:

Heard advocates.

The challenge in this petition is to the contract for lifting sand. Condition l4 which is impugned in this petition on translation reads as follows:

> "In the upset price ofl the sand fixed for the auction, the amount to be paid to the plot holder and others towards excavation of sand, while transporting the sand from the spot, has not been included. It shall be the responsibility (liability) of the auction holder to make the payment of any such

kind of amount."

The above condition merely states that the cost of transporting the sand from the spot shall be borne by the auction purchaser.

There is nothing arbitrary in the condition nor any illegality is attached to it. Hence petition is dismissed.